

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LINDA LEHMANN CASSAGNE	)	
	)	
COMPLAINANT	)	
	)	
VS.	)	CASE NO. 93-074
	)	
KENTUCKY-AMERICAN WATER COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

On March 3, 1993, Linda Lehmann Cassagne filed a complaint against Kentucky-American Water Company ("Kentucky-American") that she had been overcharged for water service. The Commission by Order of March 15, 1993 directed Kentucky-American to either satisfy the matters complained of in the complaint or file a written answer within 10 days of the date of the Order. On March 24, 1993, Kentucky-American responded by stating that they had found no problems in their facilities that would result in a higher bill than normal for Cassagne and by submitting information from their files pertaining to Cassagne's account.<sup>1</sup> A hearing was held on the complaint before the Commission on April 27, 1993 at which both parties appeared but only Kentucky-American was represented by counsel.

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<sup>1</sup> Although Kentucky-American did not file an answer to the complaint as directed by the Commission's Order, the Commission construed the manner of Kentucky-American's response as a denial of the complaint.

### FINDINGS OF FACT

Kentucky-American owns, controls, and operates facilities used in diverting, distributing, or furnishing water to or for the public for compensation. Its principal offices are in Lexington. Cassagne is a customer of Kentucky-American who resides in Paris. Customers of Kentucky-American are billed quarterly for their water service based upon the volume of water they consume measured by individual water meters assigned to each customer.

Sometime in November 1992, Kentucky-American sent Cassagne a bill for \$327.54. The bill was for the period of August 12, 1992 through November 11, 1992 and was based upon consumption of 223 hundred cubic feet (ccf). Because this bill was several times higher than Cassagne's normal bill, she complained to Kentucky-American. On December 12, 1992, a representative of Kentucky-American inspected Cassagne's meter and reported a possible leak on the customer's premises. On December 7, 1992, another representative of Kentucky-American also inspected Cassagne's meter but found no evidence of any disorder. Nevertheless, the second inspector requested that the meter be checked.

On December 14, 1992, Cassagne's meter was removed for testing. The tests indicated that the meter was recording 98.73 percent of the water passing through it. This is within the accuracy parameters required by this Commission.

Cassagne's previous bill sent to her in August 1992 was for \$98.80 based upon usage of 59 ccf. That bill was also much higher than her normal bill which generally averages \$42.74 per quarter.

Cassagne also complained to Kentucky-American about that bill and Kentucky-American had sent a representative to inspect Cassagne's meter. Like the later inspections already mentioned, no evidence of any leak in or around the meter box was found.

Cassagne attributes the high readings to leaks that were discovered in October 1992 and January 1993. The first leak was found in the service line from Kentucky-American's main to a meter that serves a farm adjoining Cassagne's property. That leak which was repaired on October 16, 1992 could not have affected Cassagne's meter.

The leak reported in January 1993 was in a line from another customer's meter to that customer's premises. That leak also could not have affected Cassagne's meter.

#### CONCLUSIONS OF LAW

Kentucky-American is a utility subject to regulation by this Commission. As a utility, it is required by KRS 278.160 and KRS 278.170 to charge uniform rates for the service it provides in accordance with its tariff schedules on file with this Commission. Therefore, it may not adjust a utility bill that is abnormally high unless it is established that the bill includes services that were not received. There is no evidence to support such a conclusion here.

On the contrary, the evidence establishes that Cassagne's meter was operating properly in accordance with Commission regulations. There is no evidence of any leak in the meter and it must therefore be assumed that the large bill was due to a leak in

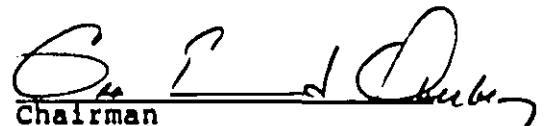
Cassagne's residence, a leak in the service line from the meter to the residence, or to some other condition not the responsibility of Kentucky-American. Therefore, the complaint should be dismissed.

This Commission being otherwise sufficiently advised,

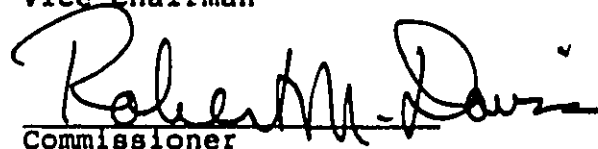
IT IS ORDERED that the complaint by Cassagne charging that Kentucky-American overcharged her for water service be and is hereby dismissed.

Done at Frankfort, Kentucky, this 14th day of June, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director